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Spies are strapped, Civiletti says

U.S. intelligence agencies are strapped by laws designed to ensure espionage methods do not violate individual liberties, and the challenge of the future is to strengthen their capabilities without ignoring the law, Attorney General Benjamin R. Civiletti told an audience here last night.

The passage of several laws since the Ford administration has curbed some intelligence-gathering techniques, and priority always has been given to protecting basic civil rights, Mr. Civiletti said.

The attorney general addressed the sometimes conflicting objectives of intelligence operations and the civil rights movement in a prepared text—"Intelligence and The Law"—that he delivered before about 600 people attending an annual lecture seminar at the Bryn Mawr School, in the 100 block West Melrose avenue.

Mr. Civiletti drew a few laughs from the audience when he said in an apparent reference to ABSCAM (an FBI bribery investigation reportedly involving several members of Congress):

"This topic comes at a particularly appropriate time because things have really slowed down in Washington."

What protects citizens from possible abuse from spy agencies currently are two presidential executive orders, one written during the Ford administration and the other by President Carter. The orders govern the accumulation and dissemination of information about all people protected by the Constitution, Mr. Civiletti said.

Mr. Civiletti said the agencies' use of advanced technology is one area that is unregulated.

"High technology widens the range of possible intelligence activities [and] increases the volume of information that can be collected," he said.

"The secrecy which is essential to intelligence activities simultaneously prohibits the review of doubtful action in any public adversarial process, such as a trial in court."

One step toward checking a technological "Big Brother," Mr. Civiletti said, was the passage of the Foreign Intelligence Surveillance Act, which prohibits electronic surveillance without the approval of a federal judge.

He said the administration constantly receives suggestions on how to maintain the flexibility of the intelligence agencies "without delegating virtually unlimited discretion" to them.

Mr. Civiletti said the nation's espionage

network also must have some legal protection.

"Existing law provides inadequate protections to the men and women who serve our nation as intelligence officers," he said. "They need and deserve better protection against those who would intentionally disclose their secret missions and jeopardize their personal safety."

Such protection could be offered, he suggested, by changing the Hughes-Ryan Amendment of 1974, which requires the prompt reporting of secret projects to eight congressional committees. Because of the 1974 law, Mr. Civiletti said, many covert operations have been leaked and their effectiveness has been weakened.

Criminal defendants should not be able to escape punishment, the attorney general also said, by threatening to disclose secret information when they come to trial.